

# Keep Framingham Beautiful - Trash and Litter Reduction Legislation - Draft

Our goals for this ordinance are to reduce single use plastics from the environment and to protect human health. We will focus on 3 types of common plastics:

1. Styrofoam (polystyrene) containers
2. Nips (small Alcohol bottles)
3. Black Plastic

All three classes of the plastic we focus on are not recyclable and end up in our parks and city streets. Nips pose an additional risk as they are often used by people to avoid getting caught when drinking and driving. Nips are consumed and tossed out of vehicles. Nips are one of the top types of trash that is collected on road sides by volunteers. Polystyrene is not recyclable, poses a health risk and does not biodegrade. Black plastic is not recycled. Sorting machines in recycling centers can not determine if it can be recycled or not.

This law proposal is strongly inspired by the Mass legislature version of S579 - An Act to reduce single-use plastics from the environment - which has yet to pass.

<https://malegislature.gov/Bills/192/S579> and [Massachusetts House Bill 3596, which was cosponsored by State Representatives Maria Robinson, Jack Lewis, and Carmine Gentile.](#)

For our convenience, sections below:

<b><u>Framingham Single Use Plastics Ordinance</u></b>	<b><u>1</u></b>
<u>Purpose and Intent</u>	<u>1</u>
<u>Definitions</u>	<u>2</u>
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## Framingham Single Use Plastics Ordinance

Add the following new section to Article of the General Bylaws/Ordinances:

### Purpose and Intent

It is becoming more and more evident that plastic production, use and waste are serious threats to the health of our planet and our own health.

Plastics are not easy to recycle. Only about 8% of plastic is actually recycled, and only about 2% is recycled into a durable good, meaning the other 6% is downcycled into something less sturdy. The rest ends up in landfill, waterways, or incinerated. Plastic does not biodegrade. It just gets smaller and smaller and becomes microplastic.

We humans ingest about a credit card's worth of plastic a week. It is in the food we eat, the water we drink and the air we breathe. It is in the soil and can be taken up into plants. It is in the ocean and eaten by fish, which we then eat. We are hearing more and more about the implications of plastic on humans. A new book, "Countdown," written by epidemiologist Dr. Shanna Swan, documents the effects of plastic on human fertility. The research showed that over the past four decades, sperm counts among men in Western countries have dropped by more than 50 percent, and women appear to be suffering declining egg quality and more miscarriages.

**We need to reduce the use of plastic.** We need to start changing the consumption of plastic through educating the public and by governments banning it.

In Framingham there is a plastic bag ban, but we need to reduce more. Polystyrene and nip bottles are being banned across Massachusetts. The nip ban will address the litter problem, and will also make the roadways safer by decreasing drinking and driving. Over 49 cities and towns in Massachusetts have banned styrofoam/polystyrene. It is not recyclable and likely carcinogenic- especially when hot or acidic food is served in it, and it never biodegrades. Polymers will last for hundreds of years. There are plenty of cost-effective alternatives and we need to stop our hospitals, schools, restaurants and stores from using it.

## Definitions

"Black Plastic" shall mean any plastic with any plastic resin codes #1-#7.

"Disposable Food Service Ware" shall mean single-use or disposable products for heating, storing, packaging, serving, consuming, or transporting prepared or ready-to-consume food or beverages including, but not limited to, bowls, plates, trays, cartons, cups, This includes any containers used by food establishments to heat, cook, or store food or beverages prior to serving, regardless of whether such containers are used to serve such food or beverages. Disposable Food Service Ware also includes any such implements sold by Retail Establishments to consumers for personal use.

"Foam Polystyrene" shall mean polystyrene in the form of a foam or expanded material, processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene).

"Food Establishment" shall mean any operation that serves, vends or otherwise provides food or other products to third-parties for consumption and/or use on or off the premises, whether or not a fee is charged, including educational institutions and health care facilities, but not including the service of food within a home. Any facility requiring a food permit in accordance with the Massachusetts State Food Code, 105 CMR 590.000, et seq. and/or regulations of the Board of Health shall be considered a "food establishment" for purposes of this bylaw.

“Health Agent” shall mean the Health Agent for the city or town of the facility, or his/her designee.

“Nips” shall mean alcohol bottles or containers that are 100 ml or less in size. These also may be referred to as “minis.”

“Packing Material” shall mean material used to hold, cushion, or protect items packed in a container for shipping transport or storage.

“Prepared Food” shall mean food or beverages, which are serviced, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared (collectively “prepared”) for individual or groups of customers or consumers. Prepared Food does not include raw eggs or raw, butchered meats, fish, seafood, and/or poultry.

“Polystyrene” shall mean a synthetic polymer produced by polymerization of styrene monomer. Polystyrene includes “Foam Polystyrene” The International Resin Identification Code assigned to polystyrene materials is “6”. Polystyrene items may be identified by a “6” or “PS,” either alone or in combination with other letters. The regulations and prohibitions relating to polystyrene in this law are intended to apply regardless of the presence or absence of an International Resin Identification Code or other identifying marks on the item.

“Retail Establishment” shall mean a store or premises engaged in the retail business of selling or providing merchandise, goods, groceries, prepared take-out food and beverages for consumption off-premises or the serving of an item directly to customers at such store or premises, including, but not limited to, grocery stores, department stores, pharmacies, convenience stores, restaurants, coffee shops, hospitals, communal housing facilities, schools and seasonal and temporary businesses, including farmers markets and public markets; provided, however, that a “retail establishment” shall also include a food truck or other motor vehicle, mobile canteen, trailer, market pushcart or moveable roadside stand used by a person from which to engage in such business directly with customers and business establishments without a storefront, including, but not limited to, a business delivering prepared foods or other food items, web-based or catalog business or delivery services used by a retail establishment; provided further, that a “retail establishment” shall include a non-profit organization, charity or religious institution that has a retail establishment and holds itself out to the public as engaging in retail activities that are characteristic of similar type commercial retail businesses, whether or not for profit when engaging in such activity.

## Use Regulations

One year after passage of this Act, no Food Establishment or Retail Establishment in Framingham may use, sell, offer for sale, or otherwise distribute:

1. Alcohol bottles or containers that are 100 ml or less in size, commonly known as “nips” or “minis.”
2. Disposable food service ware made from foam polystyrene or black plastic.
3. Meat trays, fish trays, seafood trays, vegetable trays, or egg cartons made in whole or in any part with foam polystyrene or black plastic.
4. Packing materials, including packing peanuts and shipping boxes made in whole or in any part with foam polystyrene, that are not wholly encapsulated within a more durable material.
5. Coolers, ice chests, or similar containers; pool or beach toys; and dock floats, mooring buoys, or anchor or navigation markers, which are made in whole or in any part with foam polystyrene that is not wholly encapsulated within a more durable material.
6. For the purposes of Section 2(b)(3), ‘distributing packing material’ does not include:
  - a. Re-using packing materials for shipping, transport, or storage within the same distribution system, where the packing materials are not sent to a customer or end user.
  - b. Receiving shipments within the Commonwealth that include polystyrene foam used as a packing material, provided that the goods were not packaged or repackaged within Framingham.

## Exemptions

1. Nothing in this chapter shall prohibit individuals from using disposable food service ware or other items made of polystyrene purchased outside Framingham for personal use.
2. Prepared food packaged outside Framingham is exempt from the provisions of this chapter, provided that it is sold or otherwise provided to the consumer in the same disposable food service ware in which it was originally packaged, and that the prepared food has not been altered or repackaged.
3. The Board of Health may exempt a food establishment or retail establishment from any provision of this chapter for a period of up to six months upon written application by the owner or operator of that establishment. No exemption will be granted unless the Board of Health finds that (1) strict enforcement of the provision for which the exemption is sought would cause undue hardship; or (2) the food establishment or retail establishment requires additional time in order to draw down an existing inventory of a specific item regulated by this chapter. For purposes of this chapter, “undue hardship” shall mean a situation unique to a food establishment or retail establishment in which there are no reasonable alternatives to the use of materials prohibited by this chapter, and that compliance with this chapter would create significant economic hardship for the establishment.

## Enforcement Process

1. Health Agents of the City of Framingham shall have the authority to enforce this chapter. This chapter may be enforced through any lawful means in law or in equity, including but not limited to, noncriminal disposition pursuant to G.L. c. 40 § 21D and Article VI of the General Bylaws. The city may enforce this chapter or enjoin violations thereof through any lawful process or combination of processes, and the election of one remedy by the town or city shall not preclude enforcement through any other lawful means.
2. Violations of this chapter are punishable by a fine of up to \$300 per violation. Each successive day of noncompliance will count as a separate violation.
3. If non-criminal disposition is elected, then any Food or Retail Establishment that violates any provision of this chapter shall be subject to the following penalties:
  - a. First Offense: written warning
  - b. Second Offense: \$50 penalty
  - c. Third and each subsequent offense: \$300 penalty

## Interaction with Other Laws

In the case of a conflict between the requirements of this chapter and any other federal, state or local law concerning the materials regulated herein, the more stringent requirements shall apply.

## Implementation

1. After ( insert date), the City of Framingham shall issue a news release including (i) an announcement of the effective date of this ordinance.
2. The City of Framingham shall provide a written notice to each affected establishment prior to the effective date of this ordinance.
3. The Board of Health may adopt and amend rules and regulations to effectuate the purposes of this chapter.

## Severability

If any provision of this chapter is declared invalid or unenforceable the other provisions shall not be affected thereby.

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## Effective Date

The provisions of this Law shall take effect on one year after passage of this Act.

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